

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD NEWELL, JR.,

Plaintiff,

v.

STATE OF WISCONSIN, MS. RIBBLE,
MR. MURPHY and MR. STRAHOTA,

Defendants.

ORDER

17-cv-67-bbc

Pro se prisoner and plaintiff Donald Newell has filed a complaint under 42 U.S.C. § 1983 in which he challenges the constitutionality of his conditions of confinement. Plaintiff has made an initial partial payment of the filing fee in accordance with 28 U.S.C. § 1915(b)(1), so his complaint is ready for screening. 28 U.S.C. § 1915(e)(2) and § 1915A.

I have not yet screened the complaint because of a letter from plaintiff that the court received on March 16, 2017, in which he stated that he is “trying to send the court an amendment” to his complaint but he has been delayed because of limited library access. Dkt. #11. It makes little sense to screen the complaint if plaintiff intends to replace his original complaint with a new one.

Now plaintiff has filed an untitled document in which he asks for information about obtaining a subpoena. Dkt. #12. I am denying this request as premature. Discovery does not begin until after the court screens the complaint, defendants answer the complaint and

the court holds a preliminary pretrial conference.

At this point, plaintiff should focus on filing his amended complaint, if he still wishes to file one. Plaintiff does not need to conduct discovery or legal research in order to draft his complaint. He simply needs to provide a short and plain statement in which he explains what each defendant did to violate his rights. Fed. R. Civ. P. 8.

I will give plaintiff two more weeks to file an amended complaint. If he has not done so by then, I will screen the original complaint to determine whether it states a claim upon which relief may be granted.

ORDER

IT IS ORDERED that

1. Plaintiff Donald Newell's request for a subpoena, dkt. #12, is DENIED.
2. Plaintiff may have until to April 12, 2016 to file an amended complaint. If the court does not receive an amended complaint by then, the court will screen the original complaint under 28 U.S.C. § 1915(e)(2) and § 1915A to determine whether it states a claim upon which relief may be granted.

Entered this 29th day of March, 2017.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge